PUBLIC NOTICE

US Army Corps of Engineers®

APPLICATION FOR PERMIT

Public Notice/Application No.: 2006-1319
Comment Period: January 31, 2008 through February 14, 2008

Applicant
Mr. Robert Samour, District Engineer
Arizona Department of Transportation
Phoenix Construction District
4550 N. Black Canyon
Phoenix, AZ 85017

Location

The project is located along State Route Loop 202 (SR 202L) from milepost (MP) 0.0 to MP 9.8 within the cities of Phoenix, Tempe, and Mesa, Maricopa County, Arizona (Figures 1, 2, and 3). The project area is within Township 1 North, Range 3 East, portions of Sections 1–3; Township 1 North, Range 4 East, portions of Sections 5, 6, 8–10, 11–16; and Township 1 North, Range 5 East, portions of Section 18, (Gila and Salt River Baseline and Meridian). The portion of the project that would impact waters of the US occurs at the SR 202L crossings of Indian Bend Wash and the Salt River. This portion of the project would occur within Arizona Department of Transportation (ADOT) right-of-way (R/W) or easement through private, local municipality, state trust, and US Bureau of Land Management lands.

Activity

ADOT proposes to widen SR 202L to accommodate traffic, which will involve adding travel lanes to the outside of the westbound and eastbound SR 202L bridges over Indian Bend Wash and the Salt River channel. To support the widened bridges, a new 8-foot diameter concrete bridge pier support column must be added to the outside of each existing bridge pier. Temporary access roads consisting of self-compacting fill material would be constructed for equipment access to the bridge construction sites.

The scope of work within waters of the US includes:

- Constructing temporary access roads parallel to the existing bridges.
- Constructing 67 drilled shaft bridge pier support columns to support expanded bridge piers.
- Installing bank protection in five areas along the northern side of the Salt River Channel.

The project activities would cause permanent and temporary impacts to waters of the US (Table 1).

Table 1. Impacts to waters of the US.

Watercourse	Water of the US	Temporary (acres)	Permanent (acres)	TOTAL
Salt River	Other Waters	16.32	17.23*	33.55
	Wetlands	0.00	1.31	1.31
Indian Bend Wash	Other Waters	4.14	1.93*	6.07
	Wetlands	0.00	0.00	0.00
	TOTAL	20.46	20.47	40.93

*Permanent impacts have been calculated to include the areas for pier locations and access roads. Although access roads will only be in place during construction, the length of construction will be approximately two years.

The public notice for this project was originally issued December 7, 2007 through January 7, 2008. Further project information revealed an increase in permanent impacts of 18.95 acres. Therefore, this updated public notice is issued for a 15-day comment period.

For more information, see page 3 of this notice and attached drawings.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b) (1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for

this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant has submitted an application to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality. For any proposed activity on land other than Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the Arizona Department of Environmental Quality. Section 401 of the Clean Water Act requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers. The 401 water quality certification was issued on January 7, 2008 from Arizona Department of Environmental Quality.

Cultural Resources- No historic properties occur in or near either the Indian Bend or Salt River SR 202L crossings. Therefore, no historic properties will be impacted by the proposed work in the waters of the US. However, since 13 historic properties occur in the larger ADOT project, Federal Highway Administration (FHWA) and ADOT determined the proposed SR 202L project would have no adverse effect on historic properties. The Arizona State Land Department (ASLD), City of Phoenix, Bureau of Reclamation (Reclamation), Salt River Project (SRP), and the State Historic Preservation Office (SHPO) have concurred with the determination of project affect.

Endangered Species- A biological evaluation (BE) was completed on February 20, 2007 by ADOT. The FHWA, as lead federal agency for the project, determined that the project "may affect, but is not likely to adversely affect" the bald eagle, California brown pelican, and Southwestern willow flycatcher, but that the project will not affect any other ESA-protected species. Through Informal Section 7 consultation, the US Fish and Wildlife Service (USFWS) concurred in a March 26, 2007 letter that the project "is not likely to adversely affect" the bald eagle, California brown pelican, or Southwestern willow flycatcher.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

The jurisdictional determination for this project was issued June 26, 2006 prior to the Rapanos guidance.

Temporary Access Roads: Approximately 9,145 linear feet of temporary access roads averaging 98 feet in width would be constructed within waters of the US parallel to the existing SR 202L Bridges over Indian Bend Wash and the Salt River. These access roads would be in place for approximately two years while the piers and bridge are being constructed. The temporary access roads would be constructed with heavy equipment that would discharge approximately 130,225 cubic yards of self-compacting fill material into Indian Bend Wash and the Salt River. Fill material would come from off site. Temporary pipe culverts would be used to allow drainage and storm flow to pass through the project area. Access road fill material would be removed once construction is complete and the watercourses would be returned to the preconstruction elevation. Although the access road fill would not remain permanently, the fill placed in other waters would be considered a permanent impact due to the fill being in place for approximately two years. Impacts to wetlands from access road fill would also be considered permanent because wetlands may not recover once the fill is removed. In order to maintain access roads during construction, some surface water may need to be drained from the Salt River. However, to prevent additional impacts to surrounding wetlands, surface water will not be drained below a water surface elevation (WSE) of 1,149 feet above mean sea level, which has been the approximate average WSE of the Salt River between McClintock Drive and SR 101L from 1998 to 2006.

Bridge Piers: To support the widened bridges, a new 8-foot diameter concrete bridge pier support column founded on a drilled shaft will be added to the outside of each existing bridge pier. Drill rigs will excavate a total of 67 drilled shafts within waters of the US, and bridge pier support columns will be constructed at each shaft location. Approximately 10,450 cubic yards of native material would be excavated for the drilled shafts, which would be transported outside out of waters of the US and disposed off site. A steel case would be installed in the shaft excavation and approximately 4,180,000 pounds of reinforcing steel and 10,450 cubic yards of concrete would then be placed within the steel encased drilled shaft excavation.

Bank Protection: To protect existing bank protection and new piers from scour that would undermine their structural integrity, new bank protection structures would be installed at the base of five of the new bridge pier support columns on the northern bank of the Salt River near McClintock Drive. Prior to installing the bank protection structures, approximately 53,045 cubic yards of native material would be excavated from an area approximately 50 to 100 feet in diameter around each of the five new bridge pier support columns to a total average depth of approximately 35 feet. The excavated native materials would be sifted and cobble-sized materials would be mixed with adhesive materials to form cement stabilized alluvium (CSA). The remaining excavated materials not used for CSA would be stockpiled outside the Ordinary High Water Mark (OHWM). The CSA would then be installed at an average depth of approximately 23 feet below-grade to protect the base of the new bridge pier support columns.

The excavated areas would then be backfilled with the stockpiled native material and graded to preconstruction conditions.

Additional Project Information

Maricopa County has one of the fastest growing populations of the United States in the past 20 years. Projections indicate the population of Maricopa County will double between 2000 and 2030. The growing traffic volumes have caused the SR 202L corridor to become increasingly congested during the morning and evening peak travel periods; traffic volume projections indicate the congestion will worsen in the future. The traffic congestion causes excessive delays for motorists using SR 202L, and makes entering and exiting the freeway from the TI ramps difficult. This project is identified in the Maricopa Association of Governments (MAG)-adopted Regional Transportation Plan Freeway Program (RTPFP). The voters of Maricopa County passed Proposition 400 in November 2004, which authorized the continuation of the existing half-cent sales tax for the next 20 years to be used for implementing the MAG RTPFP. General-purpose lanes will be constructed to accommodate more traffic capacity, thereby reducing congestion and delays for motorists.

Proposed Special Conditions

To be developed

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit application will be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. 1344).

Comments can be e-mailed to: kathleen.a.tucker@usace.army.mil or mailed to:

U. S. Army Corps of Engineers
ATTENTION: Regulatory Division (2006-1319)
3636 North Central Avenue, Suite 900
Phoenix, Arizona 85012-1939

For additional information please call Kathleen A. Tucker at (602) 640-5385 ext 254 or send an e-mail to the above address. This public notice is issued by the Arizona Regulatory Branch of the Los Angeles District of the US Army Corps of Engineers.

LESTER P.E.
CESPL-RG-A

TUCKER
CESPL-RG-A
Public Notice

LESTER P.E.
CESPL-RG-A
Public-notice.APPL

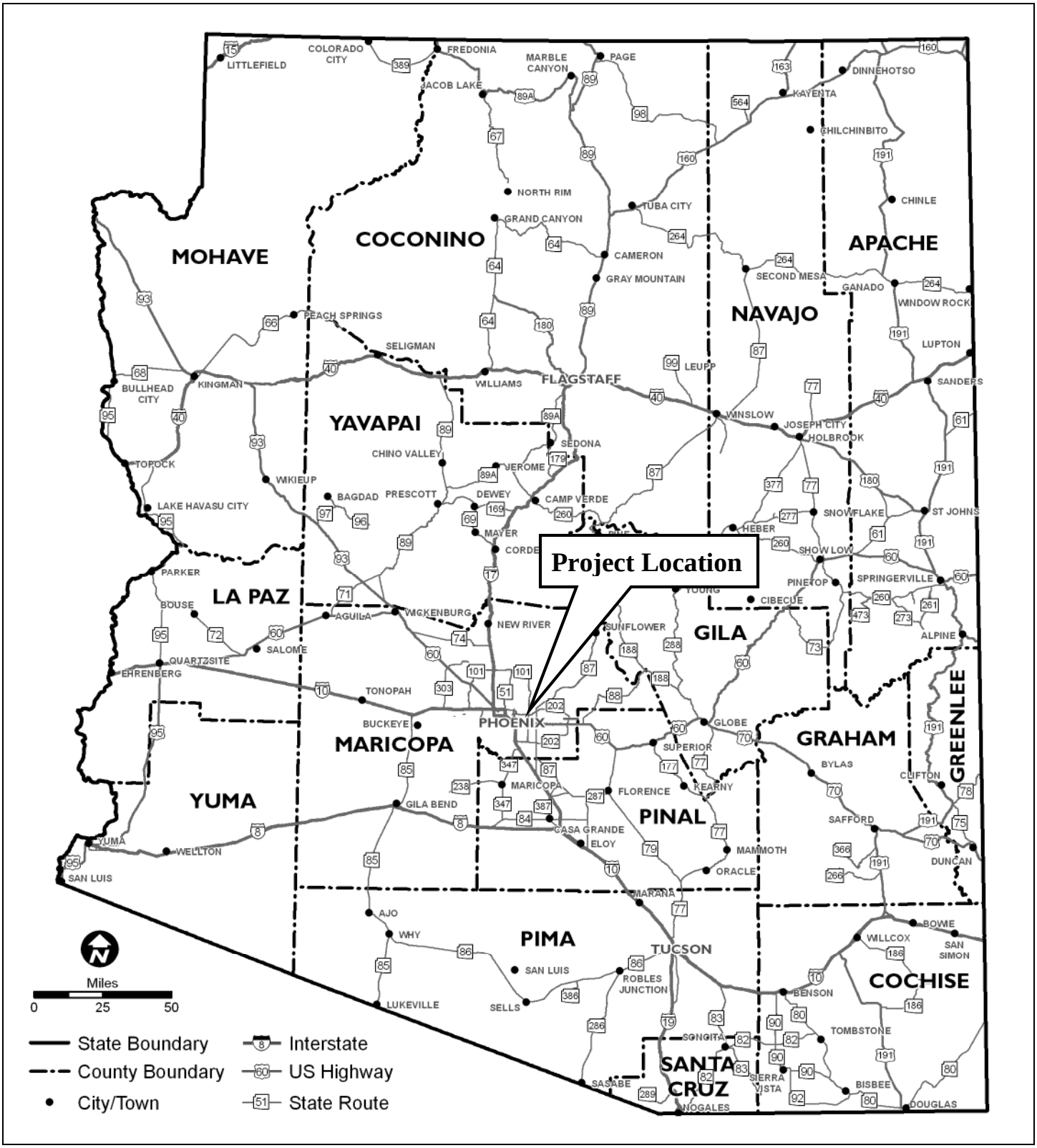

Figure 1. State Location Map
Project Name: Red Mountain Freeway, SR 202L (1-10/SR51 TI to SR101L)
Project Number: 202L MA 0 H6871 01C
Federal Aid Number: 202-A(AQN)
Corps File Number: 2006-01319-CJL

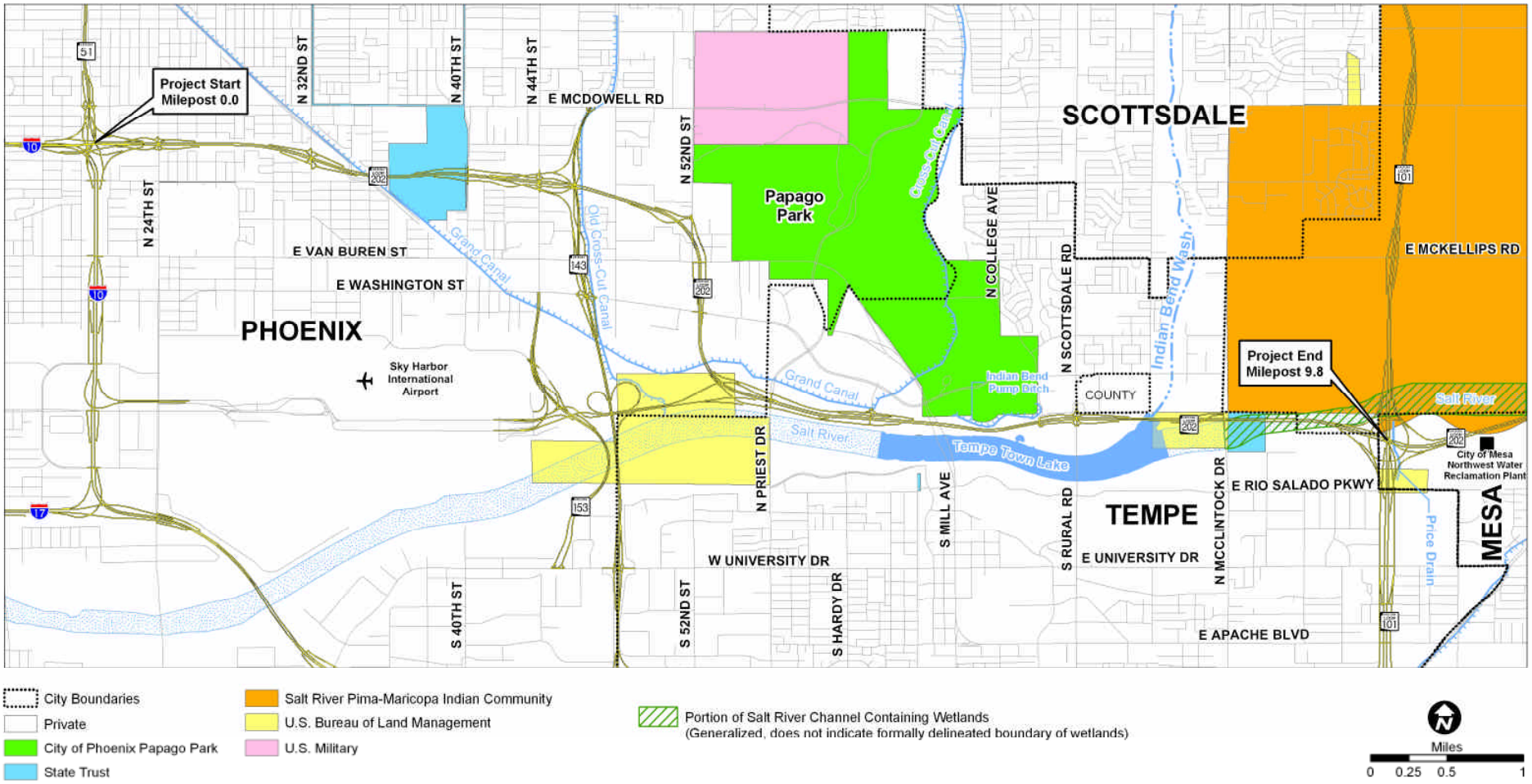

Figure 2. Project Vicinity Map
Project Name: Red Mountain Freeway, SR 202L (1-10/SR51 TI to SR101L)
Project Number: 202L MA 0 H6871 01C
Federal Aid Number: 202-A(AQN)
Corps File Number: 2006-01319-CJL

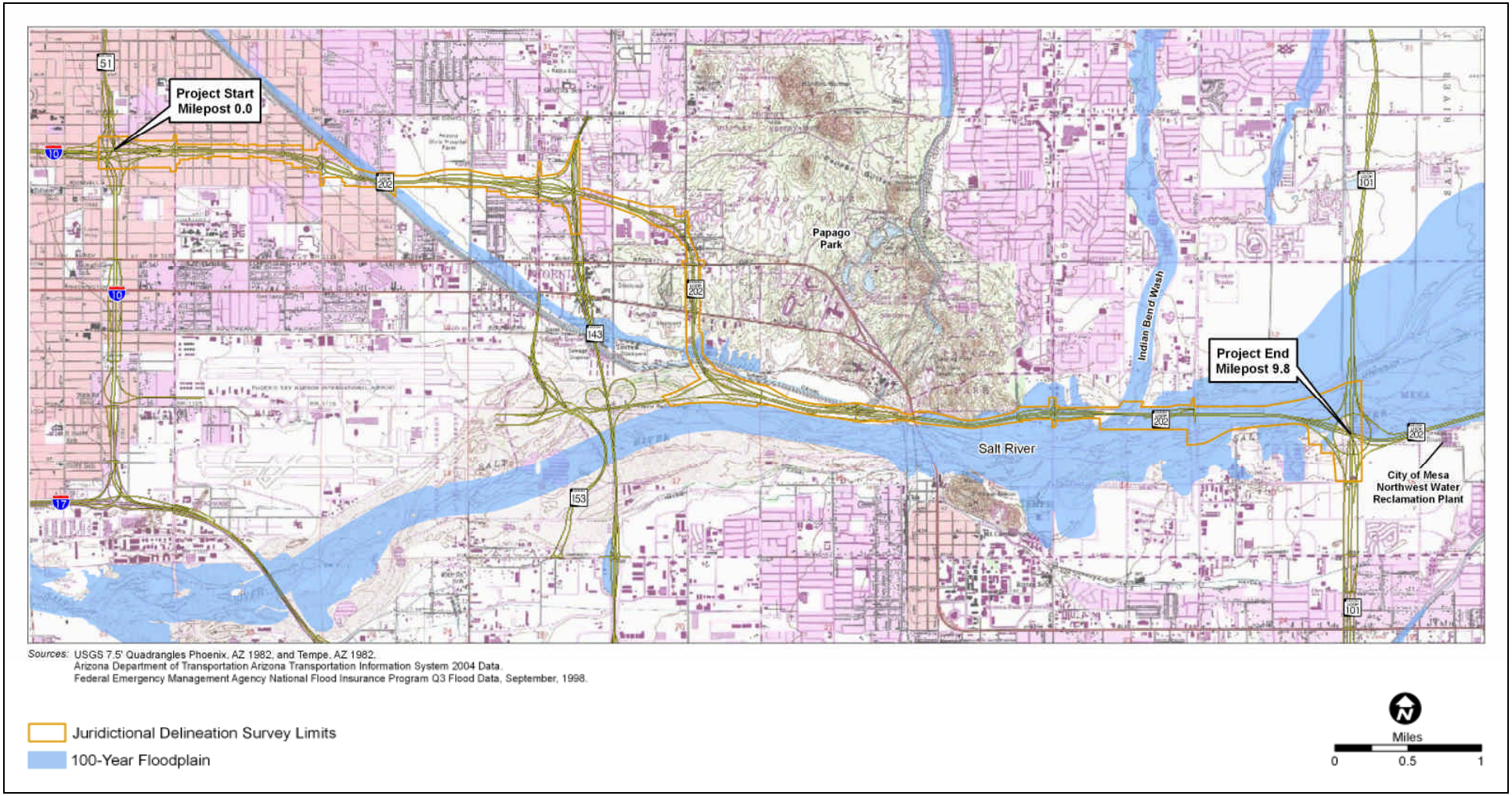

Figure 3. USGS 7.5' Topographic Map and FEMA 100-year Floodplain Map
Project Name: Red Mountain Freeway, SR 202L (1-10/SR51 TI to SR101L)
Project Number: 202L MA 0 H6871 01C
Federal Aid Number: 202-A(AQN)
Corps File Number: 2006-01319-CJL

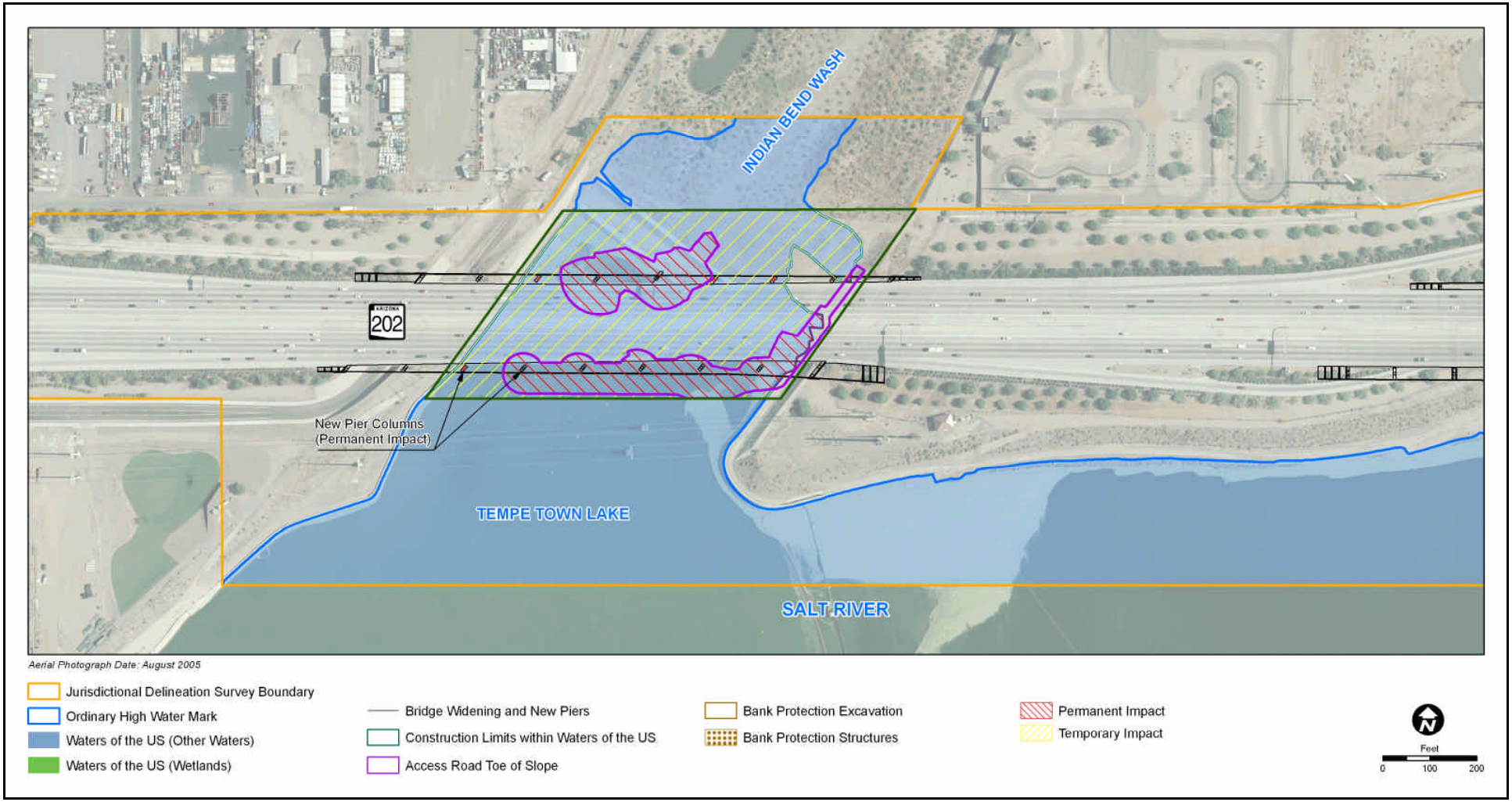

Figure 4. Proposed Impacts to Waters of the US at Indian Bend Wash
Project Name: Red Mountain Freeway, SR 202L (1-10/SR51 TI to SR101L)
Project Number: 202L MA 0 H6871 01C
Federal Aid Number: 202-A(AQN)
Corps File Number: 2006-01319-CJL

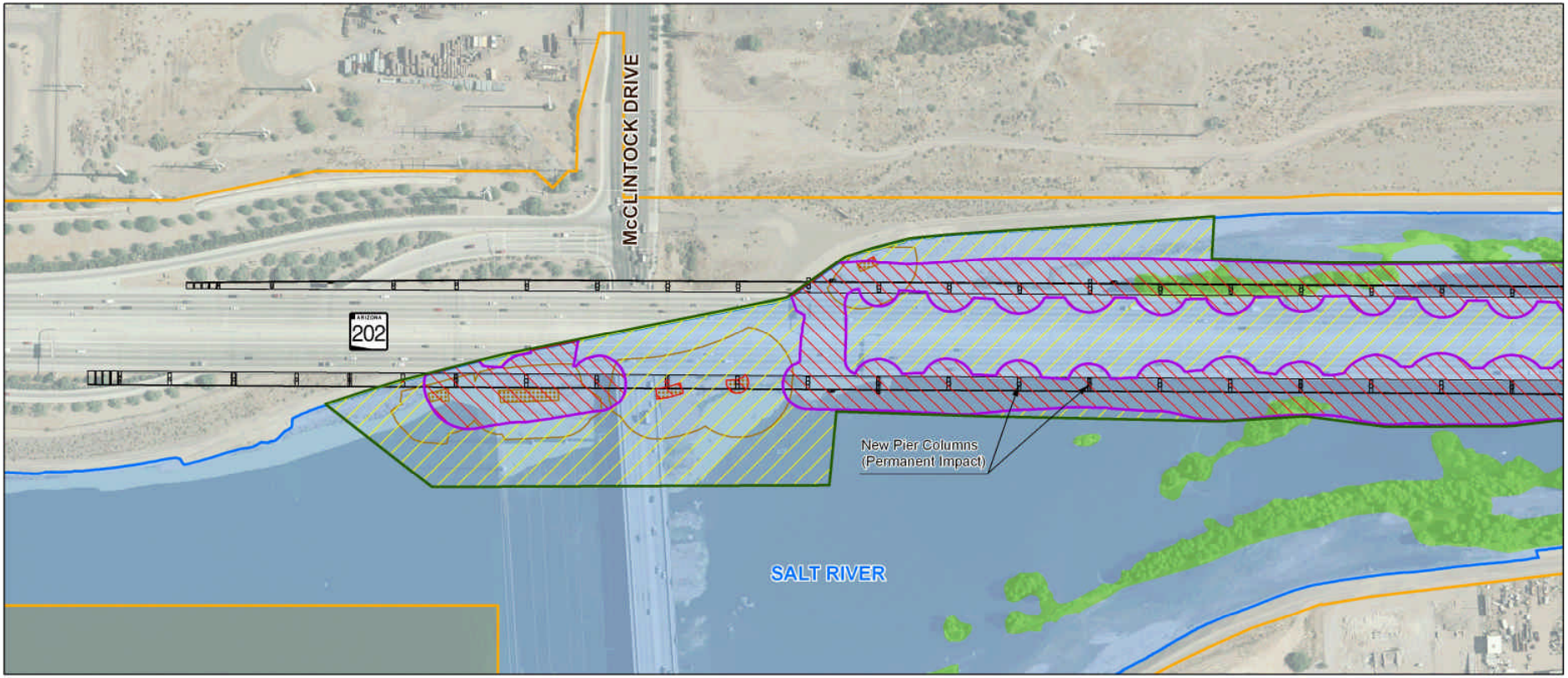

Figure 5. Proposed Impacts to Waters of the US at the Salt River (Western Portion)
Project Name: Red Mountain Freeway, SR 202L (1-10/SR51 TI to SR101L)
Project Number: 202L MA 0 H6871 01C
Federal Aid Number: 202-A(AQN)
Corps File Number: 2006-01319-CJL

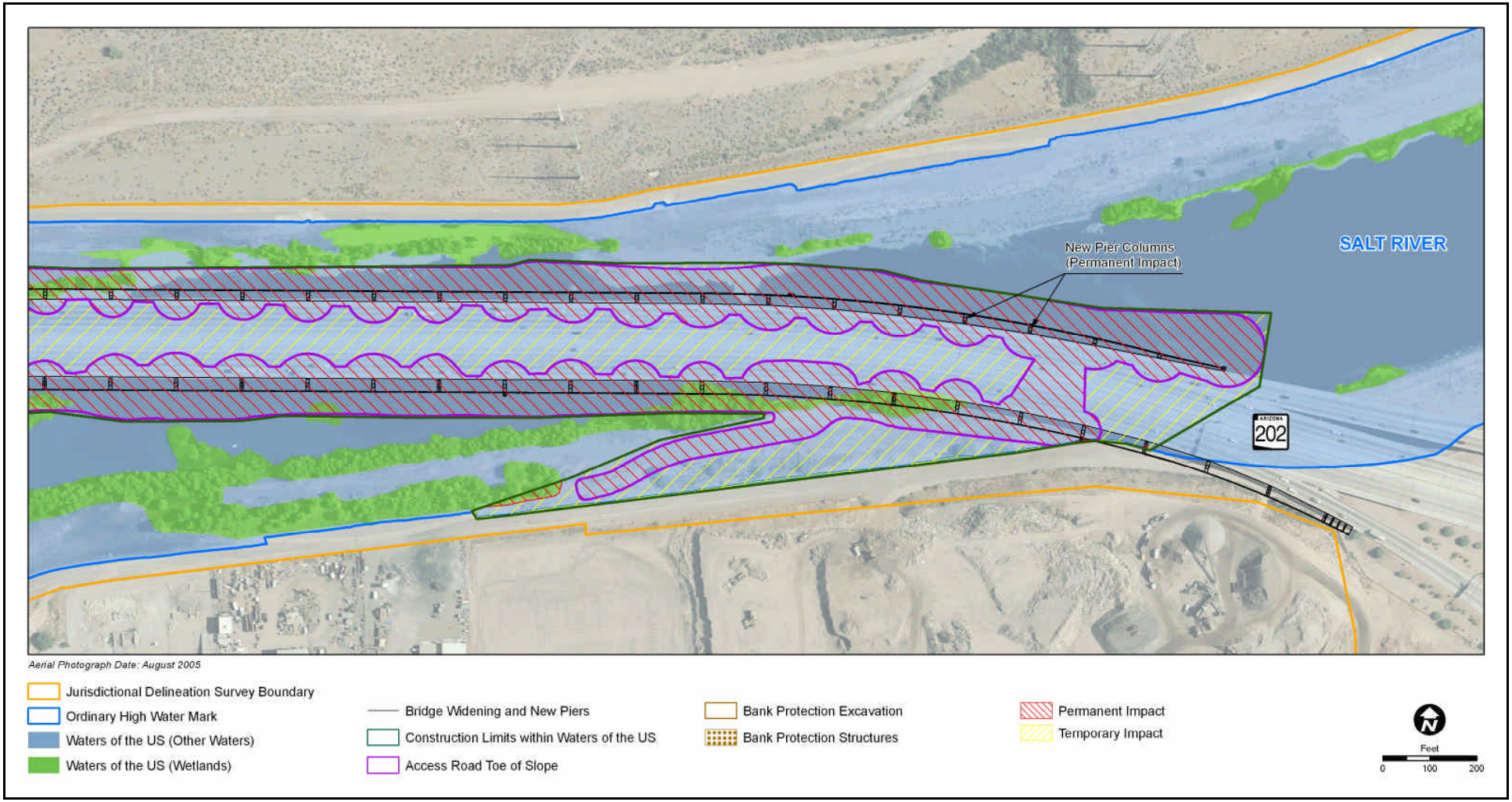

Figure 6. Proposed Impacts to Waters of the US at the Salt River (Eastern Portion)
Project Name: Red Mountain Freeway, SR 202L (1-10/SR51 TI to SR101L)
Project Number: 202L MA 0 H6871 01C
Federal Aid Number: 202-A(AQN)
Corps File Number: 2006-01319-CJL